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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION,

Plaintiff,

vs.

TESLA, INC.,

Defendant.

Case No.: 3:23-cv-04984-JSC

**STIPULATION AND [PROPOSED] ORDER
 EXTENDING DEADLINE TO SUBMIT
 SECOND PROPOSED ESI PROTOCOL**

Plaintiff U.S. Equal Employment Opportunity Commission (EEOC) and Defendant Tesla, Inc. (Tesla) (collectively, the Parties) jointly submit this request in accordance with Local Rules 6-2 and 7-12 for the Court to extend the deadline to submit a Second Proposed Protocol Regarding Electronically Stored Information by three business days, in accordance with Pretrial Order No. 2, (ECF 65).

1 Plaintiff EEOC filed the Complaint in this matter on September 28, 2023. (ECF 1). On
 2 September 26, 2024, following a case management conference, the Court issued Pretrial Order No.
 3 2: Initial Discovery Period Deadlines (Pretrial Order No. 2) (ECF 65). Pretrial Order No. 2 set
 4 November 22, 2024, as the deadline for the parties to submit a Second Proposed Protocol Regarding
 5 Electronically Stored Information (Second ESI Protocol). *Id.* On November 22, 2024, the Parties
 6 filed a joint stipulation to extend the deadline for the Second ESI Protocol by two weeks, setting the
 7 new deadline for December 6, 2024. That same day, the EEOC circulated a draft Second ESI
 8 Protocol to Tesla. *See* ECF 73. P 3. Tesla states that given the need to consult with its ESI liaison,
 9 Tesla's proposed revisions to the Second ESI Protocol are still pending at the time of this filing. *Cf.*
 10 *Id.* Tesla has committed to circulating its revisions to the Second ESI Protocol no later than 10:00am
 11 PST on Monday, December 9.

12 The EEOC notes that it is concerned that lack of movement with the draft and the time
 13 between now and next Wednesday may further frustrate efforts to finalize the Second ESI Protocol
 14 and necessitate additional Court intervention. But the Parties aim, nonetheless, to submit the Second
 15 ESI Protocol before the next Case Management Conference scheduled for December 12, 2024 [*see*
 16 ECF 65] and avoid further delays.

17 There is good cause for the Court to extend this deadline by three business days. The Second
 18 ESI Protocol has not been finalized. Given the need to consult with ESI liaisons, the Parties have
 19 been unable to finalize the Second ESI Protocol within the time allotted but anticipate doing so with
 20 a modest amount of additional time. A three business day extension (to December 11, 2024) would
 21 enable the parties to submit a second ESI Protocol or a dispute concerning the protocol ahead of the
 22 next Case Management Conference, which is scheduled for December 12, 2024 (ECF 65). This
 23 extension, furthermore, would not disrupt any other deadlines in this case.

24 Accordingly, the Parties respectfully request the Court enter an order extending the deadline
 25 to submit the Second Stipulated Order Regarding ESI to December 11, 2024 and setting 10:00am
 26 PST on December 9, 2024 as the deadline for Tesla to provide its revisions to the Second Stipulated
 27 Order Regarding ESI.
 28

STIPULATION

WHEREAS, the Parties believe that good cause exists to extend the deadline to submit a Second ESI Protocol by two weeks, as the Parties have been unable to complete it within the allotted time;

WHEREAS, this extension would not disrupt any other deadlines in this case;

WHEREAS, the only previously requested continuances or extensions to the Court's deadlines was to vacate the Initial Case Management Conference until after the Court ruled on Tesla's Motion to Stay (ECF 23) and to extend the deadline to submit this Second ESI Protocol (ECF 71);

THEREFORE, it is hereby stipulated and agreed that, subject to Court approval, the deadline to submit the Second ESI Protocol is extended to December 11, 2024.

THEREFORE, it is hereby also stipulated and agreed that, subject to Court approval, Tesla must circulate its proposed revisions to this protocol to the EEOC no later than 10:00am PST on Monday, December 9.

IT IS SO STIPULATED.

Respectfully submitted,

DATED this 6th of December, 2024.

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LOCAL RULE 5-1(I)(3) ATTESTATION

I, Tyree P. Jones Jr., am the ECF User whose ID and password are being used to file the foregoing document. In compliance with Local Rule 5-1(i)(3), I hereby attest that counsel for Defendant concurred in this filing on December 6, 2024.

Dated: December 6, 2024

BY: /s/ Tyree P. Jones Jr.
Tyree P. Jones Jr.

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED THAT:

The deadline to submit a Second Proposed Protocol Regarding Electronically Stored Information in accordance with Pretrial Order No. 2 (ECF 65) is extended to December 11, 2024.

Tesla must circulate its proposed revisions to this protocol to the EEOC no later than 10:00am on Monday, December 9.

Dated:

HON. JACQUELINE S. CORLEY
United States District Court Judge